

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 CYNTHIA ROBERTS,)
12 Plaintiff,)
13 v.)
14 JP MORGAN CHASE BANK, N.A., et al.,)
15 Defendants.)
16 AND RELATED CROSS-ACTION)
17)

Case No.: C 09-1855 PSG
(Consolidated with Case No. C 09-1879)

**ORDER CONTINUING HEARING AND
SETTING DEADLINE FOR PARTIES TO FILE
EITHER A “CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE
JUDGE,” OR ELSE A “DECLINATION TO
PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE AND REQUEST FOR
REASSIGNMENT”**

18 This case was originally assigned to Magistrate Judge Patricia V. Trumbull. Judge Trumbull
19 recently retired. On December 6, 2010, this case was reassigned to the undersigned. It has come to
20 the court's attention that it is unclear from the docket whether the parties intended to consent to
21 proceed before any Magistrate Judge, or whether they intended to consent specifically to Magistrate
22 Judge Trumbull.¹ Therefore,

23 IT IS HEREBY ORDERED that the hearing on motion to dismiss brought by Defendant JP

¹ Court staff informed the court of an inquiry by Plaintiff regarding the possibility of declining to proceed before a new Magistrate Judge. Upon review of the file, the court noticed the parties' prior statement of consent was ambiguous with regard to whether their consent applied to any Magistrate Judge, or was specific to Magistrate Judge Trumbull (to whom they were already assigned). See Docket No. 12, stating "Both Parties consent to a magistrate judge" in the parties' Joint Case Management Conference before Magistrate Judge Trumbull. The also court notes that there is nothing in the docket to indicate whether the parties, particularly the Plaintiff who is now representing herself *in proper*, intended to consent to Magistrate Judge jurisdiction for all purposes, including dispositive motions, trial and entry of judgment, as opposed to merely for the Case Management Conference.

1 Morgan Chase Bank, N.A. is CONTINUED to 10:00 a.m. on January 18, 2011.

2 IT IS FURTHER ORDERED that, no later than January 4, 2011 each party who has appeared
3 in this matter shall file either a "Consent to Proceed Before a United States Magistrate Judge," or
4 else a "Declination to Proceed Before a United States Magistrate Judge and Request for
5 Reassignment to a United States District Judge."²

6 Dated: *December 16, 2010*



7 PAUL S. GREWAL
8 United States Magistrate Judge

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28 ² Both forms are available from the clerk of the court, or from the "Forms" section of the
court's website (www.cand.uscourts.gov).

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2 ***Counsel automatically notified of this filing via the court's Electronic Case Filing system.***

3 copies mailed on 12/17/10 to:

4 Cynthia Roberts
107 Silverwood Dr.
5 Scotts Valley, CA 95066

6

/s/ *Donna Kirchner* for
7 OSCAR RIVERA
Courtroom Deputy

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